



**MONTGOMERY COUNTY PLANNING DEPARTMENT**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING

**Consent Item #  
MCPB 1-11-2007**

**MEMORANDUM**

DATE: December 29, 2006  
 TO: Montgomery County Planning Board  
 VIA: Rose Krasnow, Chief  
 Michael Ma, Supervisor *Ma*  
 Development Review Division  
 FROM: Robert A. Kronenberg *RK*  
 Development Review Division  
 (301) 495-2187



REVIEW TYPE: **Site Plan Amendment**  
 CASE #: **82000018B**  
 PROJECT NAME: Danac Stiles  
 APPLYING FOR:

Amendment to 1) modify the site plan to provide interim surface parking for Building 6 in the general area on which Buildings 4 and 5 will eventually be located; 2) relocate Building 6 two feet to the southwest of its original site location to accommodate MTA right-of-way requirements; 3) Substitute a yard inlet for a curb inlet as part of the stormwater management plan; 4) Designate handicapped spaces in the surface parking facility; 5) Relocate a fire hydrant; and 6) Relocate and adjust landscaping due to changes to the building and parking revisions.

REVIEW BASIS: Div. 59-D-2.6 of Montgomery County Zoning Ordinance for Minor Plan Amendments

ZONE: I-3  
 LOCATION: Located on the northeast quadrant of the intersection with Key West Avenue and Great Seneca Highway  
 MASTER PLAN: Potomac Master Plan  
 APPLICANT: Danac Corporation  
 FILING DATE: August 3, 2006  
 HEARING DATE: January 11, 2007

**STAFF RECOMMENDATION:** Approval of the proposed amendments to Site Plan 82000018A and approval of the attached draft Planning Board Resolution for the Site Plan 82000018B.

## **BACKGROUND**

The Site Plan (820000180) for Danac Stiles, was presented to the Planning Board on April 6, 2000 (Planning Board Opinion dated April 11, 2000) for approval of 669,400 square feet of commercial office in the I-3 Zone. The Certified Site Plan was approved on June 6, 2000. Site Plan Amendments were approved on November 28, 2000, for changes to the garage footprint and on May 15, 2001, for changes to the building footprint and earth berm. Site Plan Amendment (82000018A) was approved on July 30, 2004 for changes to future buildings 4 and 5.

## **PROPOSED AMENDMENT**

An amendment was filed on August 3, 2006, along with a public notice to adjacent and confronting property owners that outlines specific changes to the approved site plan. The primary reason for the amendment is to construct only Building 6 at this time and defer construction of a future parking garage, intended to satisfy parking needs for future buildings 4, 5 and 6. (Buildings 1, 2 and 3 have already been constructed.) The surface parking, proposed in the general location of future Buildings 4 and 5 is an interim-parking plan, and will satisfy the parking requirements for Building 6 until the parking structure is built. The future parking garage will need to be complete and accessible for users before the interim parking is removed. Furthermore, the Maryland Transportation Administration requested additional right-of-way for the future transit alignment that parallels Decoverly Drive and is directly adjacent to future Building 6 to accommodate clearance and safety requirements. The proposed amendment requests the following:

1. *Construction of an interim surface parking for Building 6 in the general area on which Buildings 4 and 5 are proposed to be located until such time as the unbuilt approved parking garage is complete and accessible to Building 6 users.*
2. *Relocation of Building 6 by two feet to the southwest of its original site location to accommodate MTA right-of-way requirements.*
3. *Substitution of a yard inlet for a curb inlet as part of the stormwater management plan.*
4. *Designation of handicapped spaces in the surface parking facility.*
5. *Relocation of a fire hydrant.*
6. *Relocation and adjustment of landscaping due to changes to the building and parking revisions.*

## **PUBLIC NOTICE**

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on August 2, 2006. The notice gave the interested parties 30 days to review and comment on the amended site plan. Upon Staff's request, the Applicant sent another notice on November 28, 2006 to all parties of record identifying the additional requests for handicapped parking spaces, the fire hydrant and the landscaping adjustments. The Applicant held a pre-submission meeting on July 27, 2006 at their office building with interested parties, who raised concerns about existing site conditions and interest over the site plan amendment. A copy of the letter sent to the community and concerns expressed by the attendees is provided in Attachment B. Staff was provided comment letters from Environmental Planning for



Forest Conservation requirements to satisfy and a letter from MTA with respect to the transit right-of-way.

## **STAFF REVIEW AND RECOMMENDATION**

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

The changes are consistent with as-built conditions and necessary changes for multi-phased projects, with respect to modifications to building adjustments, on-site landscaping and utility locations. This amendment did not go to DRC but was circulated to departmental staff for review and comment. Staff indicated approval of the amended items specified in the Applicant's request. The interim parking satisfies the Montgomery County Zoning Ordinance parking requirements for Building 6 and Staff finds that the project's vehicular and pedestrian circulation remains adequate, safe and efficient because adequate pedestrian access is provided to the existing internal private streets and the perimeter public roads. Access to the future transit is also being provided with the proposed building and surface parking. Additionally, Staff finds that the proposed relocation of Building 6 by only two feet does not alter the Board's findings, made as a part of the underlying site plan approval, that the location of Building 6 is adequate, safe and efficient, and that the building is compatible with other uses and other site plans, and with existing and proposed adjacent development. Furthermore, it should be noted that Staff appreciates the Applicant's willingness to make changes to their building design and location to accommodate requests by MTA.

Staff recommends **APPROVAL** of the Minor Site Plan Amendment for Danac Stiles (Site Plan No. 82000018B) for modifications to the approved site plan.

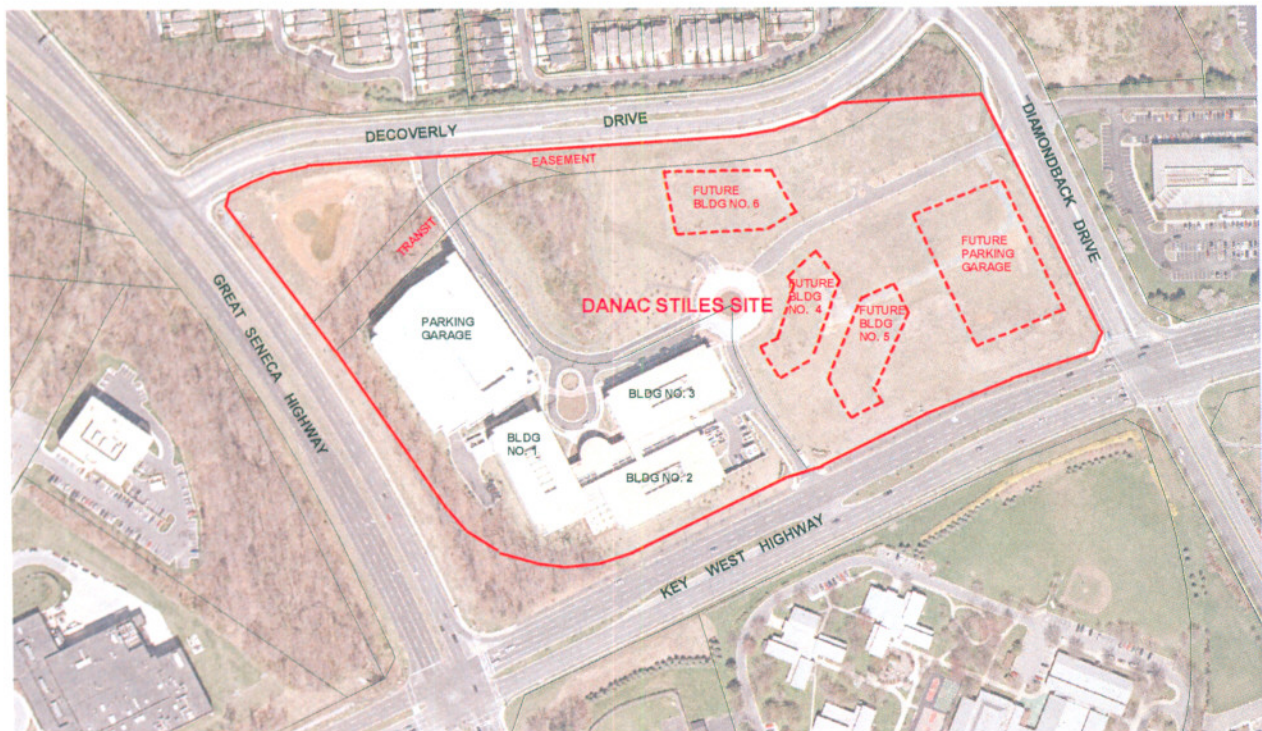
## **ATTACHMENTS**

- A. Site Description and Vicinity
- B. Notice and Pre-submission Meeting Notes
- C. Draft Planning Board Resolution

**Site Description and Vicinity**

The property is located at the northeast intersection with Great Seneca Highway and Key West Highway. The property is also bounded by Discoverly Drive to the north and Diamondback Drive to the east. Directly across Discoverly Drive to the north is the townhouse community of Discoverly Adventure and surrounded by Discoverly Industrial Park to the east. The Shady Grove Life Sciences Center and associated buildings are located to the south and the Johns Hopkins Belward Research Campus is located to the west.

The site currently contains three buildings located at the southwestern boundary with a four-level parking garage directly north of the existing office buildings. The remaining infrastructure, including the roads, utilities and stormwater management facilities, are in place. The 50-foot-wide transit easement located on the northern portion of the property connects with Great Seneca Highway and parallels Discoverly Drive toward Diamondback Drive.



**ATTACHMENT B**



12/18/2006 16:21 FAX

MHG-FAX

002/002

November 28, 2007

«FirstName» «LastName»  
«OrganizationName»  
«Address»  
«Address1»  
«City», «State» «PostalCode»

**RE: Stiles Property  
Site Plan Amendment No. 82000018A**

Dear «FirstName»:

As we promised when we met with neighbors on July 27, 2006, the following is a progress report on our site plan amendment application pending with Maryland-National Capital Park and Planning Commission.

As you may recall, the principal purpose of our site plan amendment application was to construct only Building 6 at this time and to defer the construction of a parking garage, intended to jointly serve Buildings 4, 5 and 6, until Buildings 4 and 5 are constructed. In lieu of the garage until its construction, surface parking will be used in the areas designated for Buildings 4 and 5 until they are built.

Other less important items to be accomplished by the site plan amendment include: a) Building 6 has been moved two feet to the southwest in order to accommodate Maryland Transportation Administration right-of-way requirements; b) substitution of a yard inlet for a curb inlet as part of the stormwater management plan; c) designation of handicapped spaces; d) relocation of a fire hydrant; and e) landscaping was adjusted, relocated and revised in light of the changes described above.

Our site plan amendment will soon be presented to the Planning Board and many of you will receive a notice directly from Maryland-National Capital Park and Planning Commission advising you of the hearing date. In the meantime, if you have any questions about this matter, please call me at 301-657-2800.

Very sincerely yours,

**DANAC CORPORATION**

Eugene A. Carlin, Jr.  
Executive Vice President

EAC:kah

NOTICE OF APPLICATION  
ADJACENT AND CONFRONTING PROPERTY OWNERS  
AND HOME OWNER ASSOCIATIONS  
APPLICATION TO BE CONSIDERED BY  
MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

**SITE DEVELOPMENT PLAN # 8-2000018B (AMENDMENT)**

Date: August 2, 2006

Name of Plan: Danac Stiles

Current Zoning: I-3

No. Proposed Lots/Area Included: 1,079,852 S.F. or 24.78 Acres

Geographical Location: NE Quadrant, intersection of Key West Ave. and Great Seneca Hwy.

To Whom It May Concern::

The above-referenced plan application has been filed with Montgomery County Park & Planning and is being reviewed under the provisions of the Montgomery County Code. A copy of the proposed plan is enclosed.

The proposed amendment encompasses changes to the plan since its original approval. Buildings 4, 5, and 6 were originally planned to be built together and served by a common parking garage. Danac now wishes to modify its site plan approval to construct only Building 6 at this time and to provide parking for the building in the area on which Buildings 4 and 5 will eventually be located. Additionally, Building 6 has been moved 2' southwest of its original site location to accommodate MTA right of way requirements.

If you have any comments, please send them within 15 days to the Development Review Division, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland 20910. If you have any questions, please contact the Park and Planning Commission's Development Review Division at 301-495-4595.

Sincerely,

Ray Burns

DANAC  
7501 Wisconsin Avenue, #1120  
Bethesda, MD 20814

RE: DANAC Stiles Property;  
Amendment of Site Plan

Dear Neighbor:

We are the owner and operator of the Stiles Property Office Park located at the intersection of Key West Avenue and Great Seneca Highway. You may recognize the existing office building at 9715 Key West Avenue, which is the home office for Manugistics.

DANAC has received from the Montgomery County Planning Board site plan approval to construct up to 669,400 square feet of building area in seven buildings. Buildings 4, 5 and 6 were originally planned to be built together and served by a common parking garage. DANAC now wishes to modify its site plan approval to construct only Building 6 at this time and to provide parking for the building in the area on which Buildings 4 and 5 will eventually be located. This surface parking lot is generally located in the southeast quadrant of the existing traffic circle on our property.

DANAC would like an opportunity to meet with you and your neighbors so that we can explain our plans in more detail. Accordingly, you are invited to an open house in our building located at 9420 Key West Avenue at 7:00 p.m. on Thursday, July 27, 2006 to view our plans and to ask representatives of DANAC and its consultants any questions which may be of interest to you. Light refreshments will be served.

It is not necessary for you to confirm your attendance in advance. However, if you have any questions about the community meeting on July 27, please call me at 301-657-2800.

Sincerely yours,

DANAC

**GENE CARLIN**

Gene Carlin



July 28, 2006

Mr. Robert Kronenberg  
Maryland - National Capital Park & Planning Commission  
Development Review Division  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Pre-Submission Meeting  
Danac Stiles  
SP Amendment # 8-00018A

Dear Mr. Kronenberg:

This letter is to serve as notice that a Pre-Submission meeting was held on July 27, 2006 at 7:00 PM in preparation of submission of a proposed Site Plan Amendment for the Danac Stiles project (Site Plan # 8-00018). The meeting was held at 9420 Key West Avenue in Gaithersburg. Adjacent/confronting property owners and all citizens and homeowners associates within one mile of the Stiles property were notified of the meeting per M-NCP&PC requirements (see attached letter and list of notified). Both meeting minutes and attendance information were recorded (see attached).

Signed,



Ray Burns, MHG

I hereby certify that on this 28 day of July, 2006, before the subscriber, a Notary Public of the State of Maryland, and for the County of Montgomery personally appeared Ray Burns, known to me (or satisfactorily proven) to be the person(s) described in the foregoing instrument, who did acknowledge that (he)(she)(they), having been properly authorized, executed the same in the capacity therein stated and for the purposes therein contained.

**IN TESTIMONY WHEREOF**, I have affixed my hand and official seal.

  
\_\_\_\_\_  
**NOTARY PUBLIC**  
My Commission Expires October 1, 2008

## Danac Stiles – Pre-Submission Meeting

Date/Time: July 27, 2006 / 7:00 PM

Location: 9420 Key West Avenue, Gaithersburg, MD. – Phillips Building

### Meeting Minutes:

Gene Carlin of Danac Corporation thanked the attendees for the opportunity to meet with and address them on the proposed site plan amendment. He then explained the Site Plan Amendment Process and the requirement of the pre-submission meeting with the citizens and homeowners associates.

Listed below are concerns of the community addressed at the meeting :

- Landscaping – trees existing from Phase 1 construction are to remain around proposed building 6.
- A landscape plan for the proposed temporary parking lot will be submitted as part of the site plan amendment.
- Lighting – concerns were that temporary lot would have “stadium” lighting effect. MNCP&PC Standards focus on “dark skies” with emphasis on downward direction of lighting.
- The Temporary Parking Lot will be in use for an undetermined time limit – until the construction of the parking garage that will service future buildings 5 and 6.
- Stormwater Management – the existing stormwater management facility in place at this time has the capacity to hold runoff for the entire site when completed. The runoff from the temporary lot will drain into two yard inlets and two storm drain pipes that connect to the existing drainage system. The volume will not adversely impact the storage capacity of the existing facility.
- The loading dock area will be screened from the residential area to the north of Decoverly Drive by a masonry screen wall that matches the materials of the proposed building 6. The back of building 6 will be facing Decoverly Drive to the north; the main entrance will be facing the traffic circle south of Decoverly Drive.
- Proposed Building 6 will be leased for general office use.
- Concerns were raised about construction activity starting too early in the morning (5:30 a.m.) noise and dust.
- It was explained by Jody Kline of Miller, Miller & Canby that once the submission became formal, the site would be posted per M-NCP&PC requirements for signage and that notification letters would again be sent to adjacent/confronting property owners.

The meeting attendees were not only receptive to the proposed changes, they also expressed that the changes seemed relatively minor, and that they have no issues with the proposed temporary parking lot. The question was raised as to how long the temporary lot would be in place before the construction of the future parking garage. No set timeline was given.

An attendance sheet was passed and signed by all community members.



# ATTENDANCE

July 27, 2006

NAME	ADDRESS	PHONE NUMBER	EMAIL ADDRESS
Mike Mathis	Avalon @ Decatur 9901 Gable Ridge Ter. Rockville, MD 20850	301-940-1811	Michael-Mathis@ avalonbay.com
Russ + Barbara Broshans	9964 Foxborough Cir.	301-330-3338	
DON & JOYCE BORAMANN	10154 Sterling Terr	301-926-7211	NONE
Louis SZILADI	10003 STERLING TERRACE	301-990-0895	LSZILADI@ COMCAST.NET
Craig Voorhees	9904 Foxborough Circle	301-963-9758	None
DOREEN HEATH	9966 Foxborough Circle Rockville Md 20850	301-963-0038	DOREENHEATH@MSN.COM
Rob DiBiano Nikolas Groshans	9974 Foxborough Cr. Rockville, MD 20850	301-330-8775	Rwd35@aol.com
Brian Boyland	9954 Foxborough Cir Rockville, MD 20850	301-924-2660	bboyland1@comcast.net
Jym Yiskov	9956 Foxborough Cir. Rockville, MD 20850	990-9863 <del>301-990-</del>	

DRAFT

MCPB No. 07-01
Site Plan No. 82000018B
Project Name: Danac Stiles
Hearing Date: January 11, 2007

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on August 3, 2006, Danac Corporation ("Applicant"), filed a site plan amendment application, designated Site Plan No. 82000018B ("Amendment"), for approval of certain modifications to the approved development; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated December 29, 2006, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on January 11, 2007, Staff presented the Amendment to the Planning Board as a consent item for its review and action.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82000018B for Danac Stiles, including the following modifications as reflected in the plans stamped by the M-NCPPC on December 1, 2006:

- 1. Construction of interim surface parking for Building 6 in the general area on which Buildings 4 and 5 are proposed to be located until such time as the unbuilt approved parking garage is complete and accessible to Building 6 users.
2. Relocation of Building 6 by two feet to the southwest of its original site location to accommodate MTA right-of-way requirements.
3. Substitution of a yard inlet for a curb inlet as part of the stormwater management plan.
4. Designation of handicapped spaces in the surface parking facility.
5. Relocation of a fire hydrant.
6. Relocation and adjustment of landscaping due to changes to the building and parking revisions.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall be effective as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is \_\_\_\_\_ (which is the date that the Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

RAK

APPROVED AS TO LEGAL SUFFICIENCY

Handwritten signature/initials

M-NCPPC LEGAL DEPARTMENT

DATE 12/29/06